

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

James A. Diltz,

Case No. 3:18CV938

Plaintiff

v.

**ORDER**

Commissioner of Social Security,

Defendant

This is a Social Security case in which the plaintiff, James Diltz, appeals the Commissioner's decision denying him disability benefits.

An administrative law judge (ALJ) concluded that, although Diltz suffers from severe impairments, he has the residual functional capacity (RFC) to perform light work subject to certain limitations. (Doc. 10 at 18-19). The ALJ further opined that, within this RFC, Diltz could work in a significant number of jobs that exist in the national economy. (*Id.* at 24).

Pending is Magistrate Judge Baughman's Report & Recommendation (Doc. 22). The R&R recommends that I reverse the ALJ's decision and remand for further consideration of two medical opinions: the state reviewing psychologist's opinion and the consulting examining psychologist's opinion. Magistrate Judge Baughman recommends such reconsideration because, 1) though the ALJ gave the state reviewing psychologist's opinion great weight, the RFC omits several limitations that opinion recommended (*see* Doc. 10 at 2-3), and 2) the ALJ gave the consulting examining psychologist's report no weight but gave great weight to another opinion that relied on that report (*see id.* at 4).

The Magistrate Judge advised that any objections to the R&R be due within fourteen days. The Commissioner has not objected to the R&R, and the fourteen-day deadline has passed. I therefore find that the parties have waived their right to *de novo* review. *See Thomas v. Arn*, 728 F.2d 813, 814-15 (6th Cir. 1984).

It is, therefore,

ORDERED THAT

1. The Magistrate Judge's Report and Recommendation (Doc. 22) be, and the same hereby is, adopted as the order of this court; and
2. The Commissioner's decision be, and the same hereby is, reversed. On remand, the ALJ must reconsider the state reviewing psychologist's opinion and the consulting examining psychologist's opinion.

So ordered.

/s/ James G. Carr  
Sr. U.S. District Judge